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AUG 28 2002

OFFICE OF PETITIONS

In re Application of :
 Kane, Nagel and Dombkowski :
 Application No. 10/002,536 :
 Filed: November 1, 2001 :
 Attorney Docket No. 65446-0087 :
 For: COMPOSITIONS AND SYSTEMS :
 FOR IDENTIFYING AND COMPARING :
 EXPRESSED GENES (MRNAS) IN :
 EUKARYOTIC ORGANISMS :

This is in response to the petition under 37 CFR 1.47(a), filed July 23, 2002. Petitioner obtained a four (4) month extension of time to reply. Accordingly, the petition is timely.

The petition is granted.

Petitioner has shown that Alan A. Dombkowski, Ph.D., the non-signing inventor, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the Declaration of Facts of Michael D. Kane, Ph.D., establishes that the inventor was presented with the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The \$130.00 petition fee has been charged to Deposit Account No. 18-0013, as authorized in the petition.

The application file is being returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Partera Donnell

Christina Tartera Donnell
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy